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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C48  
Serial No: 10/015,389 Group Art Unit: 1647  
Filed: December 11, 2001 Examiner: Rachel B. Kapust  
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

Commissioner for Patents  
Washington, D.C. 20231

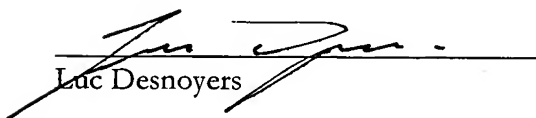
**DECLARATION OF LUC DESNOYERS, Ph.D. UNDER 37 CFR 1.131**

I, Luc Desnoyers, Ph.D. declare and say as follows:

1. I am scientist at the Molecular Oncology Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and I am aware that the claims have been rejected as anticipated by International Patent Application Publication No. WO 00/00610 (Lal *et al.*, publication date January 6, 2000).
4. I, along with other inventors of this application, conceived and reduced to practice the invention claimed in the above-identified application in the United States prior to January 6, 2000.
5. At the time the present invention was made I was, as still am, responsible for overseeing the testing of novel polypeptides, including the polypeptide designated PRO1412, in chondrocyte proliferation assay (Assay #111, Example 153). This assay is used to find agents that are capable of inducing chondrocyte proliferation and/or redifferentiation, and can, therefore, be used in the treatment of joint diseases using a tissue engineering approach or as promising drug candidates to repair aging or arthritic joints, for example, in which the chondrocytes have been dedifferentiated.
6. In this assay, isolated chondrocyte cells are seeded in 96 well plates with either serum-free medium (no treatment control), or serum-free medium containing the test

PRO polypeptide. After 5 days, fluorescence dye is added to each plate and measured. A positive result in the assay is obtained when the fluorescence of the PRO polypeptide-treated sample is 1.2 fold or higher than the no treatment control. This type of fluorescence determination, wherein the readout is compared to a no treatment control, is well known in the art.

7. A copy of a page from the Genengenes database which reports a positive result for the PRO1412 polypeptide encoded by DNA 64897-1628 (UNQ730) in Assay #111 is attached to this declaration (with its date redacted) as Exhibit A. The positive results reported in the database were also obtained prior to January 6, 2000.
8. Copies of pages from laboratory notebook showing the positive results for the PRO1412 polypeptide (SEQ ID NO:140), identified by Pin number PIN753-1, in Assay #111 are attached to this declaration (with dates redacted) as Exhibit B. These experiments were performed and the results were obtained prior to January 6, 2000.
9. Exhibits A and B clearly show that the polypeptide designated PRO1412 was tested, and its ability to induce the proliferation and/or redifferentiation was determined prior to January 6, 2000.
10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

  
Luc Desnoyers

03/25/2004  
Date

Find Lots

Find Lots Search

All PIN

All DNA

Show Lots for

UNQ

Number

730

☐ Include UNQ Related Lots

Clear

Remove

Remove All

Selection

Unselected

ASY1 Heart Neonatal Hypertrophy

ASY2 Heart Adult Hypertrophy

ASY3 Adipocyte Lipolysis

ASY4 Adipocyte Lipogenesis

ASY5 Hematopoiesis: stem cell proliferation

ASY6 Hippocampal Neuron Survival

ASY7 Retinal Neuron Survival (5-6 days cultur

ASY8 Endothelial cell proliferation

ASY9 Inhibition of VEGF stimulated endothella

ASY10 Eosinophil degranulation [induction of]

ASY11 B cell IgE synthesis Inhibition

PIN753-1

PIN764-1

PIN1210-1

☒ All Positives ☐ Verified Positives ☐ Pending

Date Complete From  To

ASSAY RESULT LIST									
ASY	ASY Name	PUR/EXP/DNA	LOT	LOT Name	Pbs Verified	Conc	Conc Unit	Mean Chl	UNQ
SY111	Chon Prolif	PUR952	LOT1927	PIN753-1		307.00	nM	1.49	UNQ730
				Human GVPT730 Poly-H					
ASY [DNA] [DOM] [EXP] [EAM] [FLS] [LIB] [LOT] [MAP] [OLI] [PRB] [PHO] [PUR] [RNA] [SRC] [UNQ] [XPI] [YSI]									
Assay Viewer   Sequence Viewer   Gene Viewer   GenesGenes   SAGE									

GenesGenes Feedback

Primary Assay Result  
 Assay ID ASY111  
 Assay Name Chondrocytes Proliferation Assay  
 Assay Date \_\_\_\_\_  
 Notebook Num \_\_\_\_\_

	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
	1	2	3	4	5	6	7	8	9	10	11	12
A	Stauroporn	Stauroporn	Stauroporn	PIN717-1	PIN721-1	PIN725-1	PIN730-1	PIN734-1	PIN738-1	PIN742-1	PIN746-1	PIN750-1
B	Media	Media	Media	PIN718-1	PIN722-1	PIN726-1	PIN731-1	PIN735-1	PIN739-1	PIN743-1	PIN747-1	PIN751-1
C	PIN708-1	PIN711-1	PIN714-1	PIN718-1	PIN722-1	PIN726-1	PIN731-1	PIN735-1	PIN739-1	PIN743-1	PIN747-1	PIN751-1
D	PIN709-1	PIN712-1	PIN715-1	PIN719-1	PIN724-1	PIN728-1	PIN732-1	PIN736-1	PIN740-1	PIN744-1	PIN748-1	PIN752-1
E	PIN710-1	PIN713-1	PIN716-1	PIN720-1	PIN725-1	PIN729-1	PIN733-1	PIN737-1	PIN741-1	PIN745-1	PIN749-1	PIN753-1
F												
G												
H												

Fluorescence

Plate #1: Reading after 3 hours

PASTE YOUR RAW DATA BELOW

	1	2	3	4	5	6	7	8	9	10	11	12
A	88.1	87.1	90.4	100.4	173.2	166.5	166.8	103.1	74.4	88.0	155.6	82.1
B	81.1	159.7	84.4	144.4	88.6	103.6	118.8	75.5	89.2	104.1	78.9	119.9
C	85.4	91.8	89.5	89.1	88.5	84.9	80.4	56.8	67.6	56.6	63.7	107.2
D	84.8	102.4	75.8	79.8	84.7	37.2	50.3	56.4	70.9	75.3	79.4	118.6
E	102.9	73.5	58.0	71.4	55.9	51.1	59.7	47.5	74.3	72.1	52.5	175.3
F	89.9	102.3	80.7	121.5	84.7	81.8	78.2	66.8	68.8	81.4	84.8	180.5
G	118.0	102.3	159.3	105.5	77.5	57.8	64.8	73.5	77.2	64.9	162.5	183.7
H	144.3	102.0	192.0	193.8	181.4	124.0	128.4	125.7	95.4	137.9	172.1	139.5

Control	Fluorescence
Stauroporn	84.5
Media	108.4

Conc			1.00%				
PIN #	N1	N2	AVERAGE	STDEV	Positive	Verified	Comments
PIN708-1	0.788	0.780	0.784	0.0			
PIN709-1	0.949	0.845	0.797	0.2			
PIN710-1	1.070	1.331	1.201	0.2			
PIN711-1	0.847	0.945	0.896	0.1			
PIN712-1	0.878	0.944	0.911	0.2			
PIN713-1	1.162	0.941	1.052	0.2			
PIN714-1	0.828	0.697	0.762	0.1			
PIN715-1	0.535	0.744	0.640	0.1			
PIN716-1	1.489	1.771	1.620	0.2	Positive		
PIN717-1	0.928	1.333	1.129	0.3			
PIN718-1	0.822	0.853	0.738	0.1			
PIN719-1	0.859	1.216	0.936	0.4			
PIN720-1	0.973	1.786	1.380	0.8	Positive		
PIN721-1	1.598	0.910	1.254	0.5			
PIN722-1	0.532	0.597	0.614	0.0			
PIN724-1	0.515	0.781	0.648	0.2			
PIN725-1	0.715	1.489	1.102	0.5			
PIN726-1	1.537	0.956	1.246	0.4			
PIN727-1	0.599	0.343	0.471	0.2			
PIN728-1	0.471	0.774	0.623	0.2			
PIN729-1	0.532	1.144	0.838	0.4			
PIN730-1	1.538	1.096	1.317	0.3	Positive		
PIN731-1	0.557	0.556	0.557	0.0			
PIN732-1	0.551	0.722	0.636	0.1			
PIN733-1	0.596	1.184	0.890	0.4			
PIN734-1	0.951	0.697	0.824	0.2			
PIN735-1	0.522	0.520	0.521	0.0			
PIN736-1	0.438	0.817	0.527	0.1			
PIN737-1	0.878	1.159	0.919	0.3			
PIN738-1	0.866	0.824	0.755	0.1			
PIN739-1	0.824	0.854	0.839	0.0			
PIN740-1	0.886	0.835	0.860	0.0			
PIN741-1	0.712	0.880	0.796	0.1			
PIN742-1	0.812	0.961	0.886	0.1			
PIN743-1	0.541	0.695	0.818	0.1			
PIN744-1	0.665	0.731	0.708	0.1			
PIN745-1	0.599	1.272	0.935	0.5			
PIN746-1	1.436	0.724	1.050	0.5			
PIN747-1	0.588	0.733	0.661	0.1			
PIN748-1	0.484	0.781	0.633	0.2			
PIN749-1	1.884	1.588	1.636	0.1	Positive		
PIN750-1	0.757	1.105	0.931	0.2			
PIN751-1	0.989	1.104	1.046	0.1	Positive		
PIN752-1	1.818	1.665	1.642	0.0	Positive		
PIN753-1	1.895	1.287	1.491	0.3	Positive		

Witnessed & Understood by me,

Date

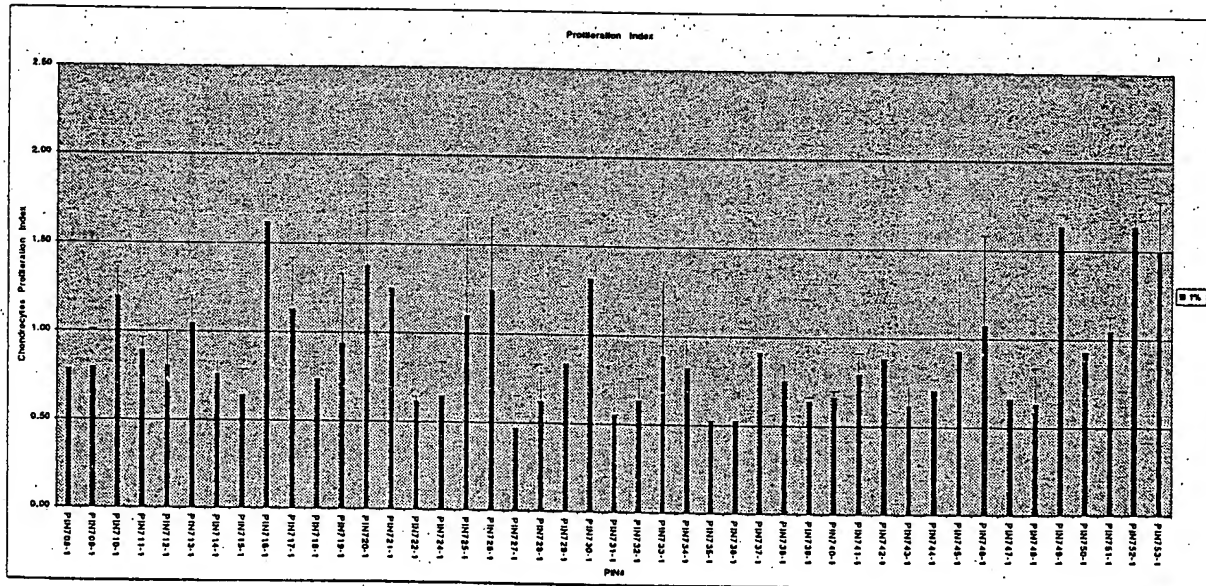
Invented by

Date

Recorded by

GRAPH

PIN#	Average	STDEV
PIN708-1	0.78	0.0
PIN709-1	0.80	0.2
PIN710-1	1.20	0.2
PIN711-1	0.90	0.1
PIN712-1	0.81	0.2
PIN713-1	1.05	0.2
PIN714-1	0.78	0.1
PIN715-1	0.84	0.1
PIN716-1	1.62	0.2
PIN717-1	1.13	0.3
PIN718-1	0.74	0.1
PIN719-1	0.84	0.4
PIN720-1	1.38	0.6
PIN721-1	1.25	0.5
PIN722-1	0.61	0.0
PIN724-1	0.85	0.2
PIN725-1	1.10	0.5
PIN726-1	1.25	0.4
PIN727-1	0.47	0.2
PIN728-1	0.62	0.2
PIN729-1	0.84	0.4
PIN730-1	1.32	0.3
PIN731-1	0.56	0.0
PIN732-1	0.84	0.1
PIN733-1	0.89	0.4
PIN734-1	0.82	0.2
PIN735-1	0.52	0.0
PIN736-1	0.53	0.1
PIN737-1	0.92	0.3
PIN738-1	0.78	0.1
PIN739-1	0.84	0.0
PIN740-1	0.80	0.0
PIN741-1	0.80	0.1
PIN742-1	0.89	0.1
PIN743-1	0.62	0.1
PIN744-1	0.71	0.1
PIN745-1	0.94	0.5
PIN746-1	1.08	0.5
PIN747-1	0.86	0.1
PIN748-1	0.83	0.2
PIN749-1	1.64	0.1
PIN750-1	0.93	0.2
PIN751-1	1.05	0.1
PIN752-1	1.64	0.0
PIN753-1	1.49	0.3



Inspected & Understood by me,

Date

Invented by

Date

Recorded by